

EXHIBIT A



Notice of Service of Process

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Transmittal Number: 24736766
Date Processed: 04/08/2022

Primary Contact: Venessa C. Wickline Gribble
The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202-1100

Entity:	Kroger Dedicated Logistics Co. Entity ID Number 2171742
Entity Served:	The Kroger Company, dba Smith's Food And Drug
Title of Action:	Rosemary Sommer vs. Ttie Kroger Company dba Smith's Food and Drug
Matter Name/ID:	Rosemary Sommer vs. Ttie Kroger Company dba Smith's Food and Drug (12174707)
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Mohave County Superior Court, AZ
Case/Reference No:	S8015CV202200271
Jurisdiction Served:	Arizona
Date Served on CSC:	04/04/2022
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Morgan & Morgan Arizona, PLLC 602-735-0248

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To avoid potential delay, please do not send your response to CSC

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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 034911, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ROSEMARY SOMMER

Plaintiff(s),

Case No. S8015CV202200271

v.

THE KROGER COMPANY, DBA SMITH'S

SUMMONS

FOOD AND DRUG

Defendant(s).

To: THE KROGER COMPANY, DBA SMITH'S FOOD AND DRUG

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 415 E. Spring St, Kingman, Arizona 86401 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MOHAVE

SIGNED AND SEALED this date: *March 18, 2022*

Christina Spurlock
Clerk of Superior Court

By: *GHOWELL*
Deputy Clerk



FILED
Christina Spurlock
CLERK, SUPERIOR COURT
03/18/2022 7:31AM
BY: GHOWELL
DEPUTY

Case No.: S8015CV202200271
HON. STEVEN MOSS

Person/Attorney Filing: Krystal A Flores
Mailing Address: 2355 E. Camelback Road, Suite 335
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E-Mail Address: kflores@forthepeople.com
[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 034911, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ROSEMARY SOMMER

Plaintiff(s),

v.

THE KROGER COMPANY, DBA SMITH'S
FOOD AND DRUG
Defendant(s).

Case No.

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Mohave County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Krystal A Flores /s/
Plaintiff/Attorney for Plaintiff

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
03/18/2022 7:31AM
BY: GHOWELL
DEPUTY

Case No.: S8015CV202200271
HON. STEVEN MOSS

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Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ROSEMARY SOMMER, individually,

Plaintiff,

vs.

THE KROGER COMPANY d/b/a
SMITH'S FOOD AND DRUG, a foreign
corporation; JOHN DOES I-X and JANE
DOES I-X, individually and/or as Husband
and Wife; BLACK CORPORATIONS I-X
and WHITE LIMITED PARTNERSHIPS I-
X,

Defendants.

Case No.:

**COMPLAINT
(PREMISES LIABILITY)**

Tier 3

Plaintiff, Rosemary Sommer, (hereinafter referred to as "Plaintiff"), by and through
undersigned counsel, alleges as follows:

I. JURISDICTION, PARTIES & VENUE

1. Plaintiff, Rosemary Sommer, was and is a resident of Mohave County,
Arizona, and the cause of action on which this Complaint is based occurred in Mohave County,
Arizona.

1 2. Upon information and belief, Defendant The Kroger Company d/b/a
2 Smith's Food and Drug, (hereinafter referred to as "Defendant Smith's"), is a foreign
3 corporation doing business in the State of Arizona and in Mohave County, Arizona.
4

5 3. Upon information and belief, Defendants' BLACK CORPORATIONS I-
6 X, WHITE LIMITED PARTNERSHIPS I-X, JOHN DOES I-X, AND JANE DOES I-X, are
7 fictitious entities, which may have an interest herein. At such time, as the identity of any such
8 Defendant becomes known to Plaintiff, Plaintiff will amend the Complaint to reflect such
9 identity. Additionally, any non-party designated by a Defendant is to be considered a fictitiously
10 named Defendant herein. Plaintiff is informed and believes, and based on that information and
11 belief, alleges that at all times mentioned in this complaint, Defendants were the agents and
12 employees of their codefendants, and in doing the things alleged in this complaint were acting
13 within the course and scope of that agency and employment.
14
15

16 4. Venue is proper in Mohave County because the facts giving rise to the
17 cause of action occurred in Mohave County, Arizona.
18

19 5. Plaintiff seeks damages in excess of the minimum jurisdictional limits of
20 this Court.
21

22 II. GENERAL ALLEGATIONS

23 6. Plaintiff re-alleges and incorporates by reference the allegations of
24 Paragraph 1 through 5 of this Complaint as fully set forth herein.
25

26 / / /

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8. Upon information and belief, at the time of said incident, Defendants owned, managed, operated, maintained, and controlled, both directly and indirectly, individually and through its agents, servants and employees, at a shopping center known as Smith's Food and Drug located at 4747 AZ-95, Fort Mohave, Arizona, in Mohave County.

9. On or about July 10, 2021, Plaintiff was a business invitee on the premises shopping center, located at Smith's Food and Drug located at 4747 AZ-95, Fort Mohave, Arizona, in Mohave County.

10. On or about July 10, 2021, Plaintiff was walking in one of the aisles in the frozen food section. As Plaintiff was walking through the frozen food aisle, she slipped and fell due to a slippery liquid/substance leaking from the freezer onto the floor, causing Plaintiff to suffer severe injuries.

III. COUNT ONE (Negligence)

11. Plaintiff re-alleges and incorporates by reference the allegations of Paragraph 1 through 10 of this Complaint as fully set forth herein.

12. Defendants had a duty to exercise reasonable care and caution for the safety of Plaintiff and other business invitees. Defendants' negligently and carelessly breached this duty and allowed aforesaid premises to be unsafe for Plaintiff and other business invitees by:

- a. Failing to properly maintain the floor where patrons traverse;

1 b. Improper cleaning and finishing methods by janitorial staff;

2 c. Failing to maintain a safe space free from hazards that were known or
3 should have been recognized;

4 d. Failing to institute precautions that employees are to take in response to an
5 unknown liquid/substance that was on floor and/or unreasonably dangerous and hazardous
6 conditions;

7 e. Failing to use barriers and signage to warn of wet or slippery flooring; and

8 f. Failing to train employees to identify, report, and promptly remedy all slip-
9 and-fall hazards and/or unreasonably dangerous and hazardous conditions.
10

11 13. As a proximate result of Defendants' negligence, carelessness and
12 recklessness, Plaintiff has suffered and will continue to suffer severe personal injuries, emotional
13 distress, loss of enjoyment of life, pain and suffering, future medical treatment and expenses,
14 loss of earnings and future loss of earning, as well as having incurred other special damages,
15 losses, and miscellaneous expenses in amounts to be proven at trial.
16

17 14. Plaintiff has been required to retain the services of a law firm to prosecute
18 this action and are entitled to reasonable attorneys' fees and costs.
19

20 **IV. COUNT TWO**
21 **(Premises Liability)**
22

23 15. Plaintiff re-alleges and incorporates by reference the allegations of
24 Paragraph 1 through 14 of this Complaint as fully set forth herein.
25

26 / / /

27 / / /

28 / / /

1 16. Defendants had a duty to exercise reasonable care and caution for the safety
2 of Plaintiff and other business invitees. Defendants' negligently and carelessly breached this
3 duty and allowed aforesaid premises to be unsafe for Plaintiff and other business invitees.
4

5 17. Additionally, Defendants as the property management company
6 responsible for the maintenance of the property negligently:

7 a. Failed to maintain the premises and/or property in a reasonably safe
8 condition: Defendants had a duty to exercise reasonable care and caution in the ownership,
9 control, and maintenance of their premises and/or property as to avoid any hazard to Plaintiff or
10 other business invitees on their premises. Defendants were careless and negligent and failed to
11 exercise due reasonable care to Plaintiff and other business invitees by failing to inspect,
12 properly control and maintain the premises and/or property in such a way that the floors were
13 an unreasonable and unnecessary hazardous to Plaintiff and other business invitees;
14
15

16 b. Failed to warn Plaintiff and/or other business invitees of the danger
17 presented by an unknown liquid/substance that was on floor and/or the slip-and-fall hazards:
18 Defendants knew or should have known there was an unreasonably dangerous and hazardous
19 condition of the premises and/or property. Defendants failed to properly warn and/or notify
20 Plaintiff and other business invitees of a potential hazardous condition;
21
22

23 c. Failed to properly supervise the common areas as to furnish Plaintiff a safe
24 and hazard free floor which were recognized or should have been recognized by Defendants' as
25 causing or likely to cause a dangerous and/or hazardous condition to Plaintiff and other business
26 invitees;
27
28

1 d. Failed to properly inspect and/or properly supervise the premises and/or
2 property wherein Plaintiff was caused to fall as a result of an unknown liquid/substance that was
3 on the floor and created a slip-and-fall hazard;

4
5 e. Failed to comply with the applicable laws and regulations of the State of
6 Arizona and the applicable Federal laws and regulations;

7 f. Failed to exercise the degree of care required under the circumstances.
8

9 18. As a proximate result of Defendants' negligence, carelessness and
10 recklessness, Plaintiff has suffered and will continue to suffer severe personal injuries,
11 emotional distress, loss of enjoyment of life, pain and suffering, future medical treatment and
12 expenses, loss of earnings and future loss of earning, as well as having incurred other special
13 damages, losses, and miscellaneous expenses in amounts to be proven at trial.
14

15 19. Plaintiff has been required to retain the services of a law firm to prosecute
16 this action and are entitled to reasonable attorneys' fees and costs.
17

18 **V. COUNT THREE**
19 **(Negligent Hiring, Training and/or Supervision)**

20 20. Plaintiff re-alleges and incorporates by reference the allegations of
21 Paragraph 1 through 19 of this Complaint as fully set forth herein.
22

23 21. Defendants knew or should have known that failure to hire, train, manage,
24 supervise and/or control their agents and/or employees could lead to injury of Plaintiff and/or
25 other business invitees.
26

27 22. Defendants' agents and/or employees did not take the proper measures to
28 prevent and/or a slip and fall and/or prevent any dangerous and hazardous conditions.

1 Therefore, Defendants should be held liable for negligently hiring, supervising and/or retaining
2 untrained agents and/or employees to prevent a particular risk of physical injury to Plaintiff,
3 residence and/or other business invitees.

4
5 23. As a proximate result of Defendants' negligence, carelessness and reckless
6 acts, Defendants caused the injuries sustained by Plaintiff.

7
8 24. As a proximate result of Defendants' negligence, carelessness and
9 recklessness, Plaintiff has suffered and will continue to suffer severe personal injuries, pain and
10 suffering, discomfort, permanent impairment, emotional distress, anxiety, loss of enjoyment
11 of life, loss of the pleasures of life, including, but not limited to, participation in life's activities
12 of the quality and to the extent previously enjoyed by Plaintiff, and will incur additional medical
13 expenses in the future as well as having incurred other special damages, losses and
14 miscellaneous expenses in amounts to be proven at trial.

15
16 25. Plaintiff has been required to retain the services of a law firm to prosecute
17 this action and are entitled to reasonable attorneys' fees and costs.
18

19 **WHEREFORE**, Plaintiff respectfully requests judgment against Defendants' as follows:

- 20 a. Plaintiff's past and future medical treatment and expenses;
21
22 b. Plaintiff's loss of earnings and future loss of earning;
23
24 c. Plaintiff's general damages in an amount to be proven at trial;
25
26 d. For an amount which will reasonably compensate Plaintiff for any permanent
27 impairment, limitation, injuries, and/or disfigurement;
28
29 e. Plaintiff's pain and suffering, past and future;
30
31 f. Plaintiff's loss of enjoyment of life and/or the capacity to live a full life;

- g. Plaintiff's special damages in an amount to be proven at trial;
- h. Plaintiff's Attorney fees and costs;
- i. Such other and further relief as the court deems just and proper.

DATED this 17th day of March 2022.

Morgan & Morgan Arizona, PLLC

By: /s/Krystal A. Flores, Esq.
Krystal A. Flores, Esq.
Attorney for Plaintiff

ORIGINAL of the foregoing e-filed
This 17th day of March 2022 with:

Clerk of the Court
Mohave County Superior Court

By: /s/Yadira Silva, Paralegal